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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic, Social and Cultural Rights

Jordan

1. The Committee considered the second periodic report of Jordan on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/6/Add.17) at its 30th, 31st, 32nd and 33rd meetings, held on 15 and 16 August 2000, and adopted, at its 51st meeting, held on 29 August 2000, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the report of the State party, as well as its written replies to the list of issues (E/C.12/Q/JOR/1). While appreciating the delegation's efforts to address the questions posed, the Committee nevertheless regrets that some of the questions were not answered satisfactorily.

B. Positive aspects

3. The Committee notes with satisfaction the sustained efforts by the State party, aimed at improving economic performance and modernizing the political and social structure in Jordan, taking into account its obligations under the Covenant.

4. As a demonstration of Jordan's commitment to furthering the human rights of its people, the Committee welcomes the State party's ratification of major international human rights treaties and notes the various initiatives pursued by the State party in the area of human rights, including the development of a national human rights plan of action.

5. The Committee notes with satisfaction that the State party hosts a relatively large number of refugees, and has a good record of respect for and compliance with its international commitments in this regard.

6. The Committee welcomes the decree of March 2000 on the establishment of the National Committee for Human Rights.

7. The Committee welcomes the significant achievements of the State party in the area of health, despite its economic problems. In particular, the Committee notes its progress in achieving many of the goals laid down in the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s.

8. The Committee further welcomes the State party's commitment towards improving access to education, especially for girls.

C. Factors and difficulties impeding the implementation of the Covenant

9. The Committee takes note of the relatively large number of refugees living since 1948 within the borders of the State party and of the effect of persistent conflicts in the region on its capacity to promote the country's economic and cultural development.

10. The Committee notes the effect of the scarcity of water in Jordan on its capacity to fulfil its obligations under the Covenant.

D. Principal subjects of concern

11. Although the Covenant is purported to have the force of law and to take precedence over all legislation except the Constitution, the Committee observes that 25 years have passed since ratification and the Covenant has not yet been published in the Official Gazette.

12. The Committee is concerned that the State party has given little attention to incorporation of relevant provisions of the Covenant in its legislation.

13. While noting the detailed information provided in the report on the constitutional and legislative provisions relating to the implementation of the Covenant, the Committee regrets the insufficiency of information in the report on the effectiveness of these measures. Furthermore, the absence of any information on complaints concerning violations of these rights, as well as the lack of lawsuits in this regard, may indicate the low awareness of the Covenant among judges, lawyers and the public at large.

14. The Committee is concerned about traditional and stereotypical attitudes towards the roles and responsibilities of women and men in Jordanian society.

15. The Committee is concerned about discriminatory treatment under the civil law, such as restrictions on the right of Jordanian women married to foreign men to pass on their nationality to their children.

16. Despite the establishment of the Family Protection Unit and other efforts to address domestic violence, the Committee remains concerned that violence against women remains a serious problem in Jordan. In particular, the Committee notes with concern that marital rape is not criminalized.

17. The Committee expresses its concern at the fact that crimes against women perpetrated in the name of honour go unpunished.

18. The Committee notes with concern the persistence of relatively high levels of unemployment and poverty in the country.

19. The Committee is concerned that non-Jordanian workers are exempted from minimum wage provisions, are denied participation in trade union activities and are excluded from the social security system.

20. The Committee is concerned that the 1996 Labour Code does not provide any protection for persons working in family-owned and agricultural enterprises, and domestic labour. It is precisely with respect to work in these areas that protection is most needed because it often involves hazardous working conditions, and largely female and child workers.

21. The Committee expresses its concern at the extent of the restrictions imposed on the right of public-sector employees, notably those working in the health and educational services, to participate in trade union activities. Furthermore, the Committee is concerned that article 100 of the Labour Code pre-empts the right of workers to strike.

22. The Committee expresses its concern regarding incidents of forced eviction particularly in the principal urban areas of the country.

E. Suggestions and recommendations

23. The Committee recommends that the State party expedite the publication of the Covenant in the Official Gazette and take the necessary action to make it enforceable in the courts, including the courts of first instance.

24. The Committee recommends that the State party monitor and evaluate the implementation of relevant legislation relating to human rights. In its subsequent reports the State party is requested to include information on: mechanisms for the receipt of complaints, and for conducting investigations and prosecutions; and statistics on subsequent decisions and their execution.

25. In the light of the 1993 Vienna Declaration and Programme of Action (para. 71), the Committee recommends that the State party pursue the preparation and development of a comprehensive national plan of action to implement its obligations under its international human

rights obligations, including the Covenant, through an open and consultative process. The Committee requests the State party to include a copy of the national human rights plan of action and information on its implementation in its third periodic report.

26. The Committee emphasizes the importance of setting up an institution in accordance with the Paris Principles relating to the status of national institutions for the promotion and protection of human rights (General Assembly resolution 48/134, annex). The Committee requests the State party to provide information on progress made in this regard in its next periodic report.

27. While recognizing the difficult economic conditions prevailing in Jordan, the Committee emphasizes that the implementation of economic, social and cultural rights requires consideration of a range of issues, including the equitable distribution of existing resources. The Committee emphasizes that the State party is responsible for ensuring that resources reach the most vulnerable groups and recommends that it ensure adequate resource distribution at the national and local levels.

28. Moreover, the Committee strongly recommends that obligations under the Covenant should be taken into account in all aspects of the State party's negotiations with international financial institutions, to ensure that economic, social and cultural rights, particularly of the most vulnerable groups, are not undermined.

29. The Committee recommends that the State party incorporate in its legal order the prohibited grounds of discrimination in accordance with article 2.2 of the Covenant, in particular, race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

30. The Committee recommends that the State party take all effective legal measures to prohibit discrimination on grounds of sex in all fields of civil, political, economic, social and cultural life. The Committee recommends that the State party take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat discriminatory treatment and negative societal attitudes in this regard, particularly within the family. The Committee recommends that the State party include in subsequent reports comparative data on levels of employment, including representation of women at the various administrative levels and in areas such as law enforcement, the legal profession and the judiciary, showing developments during the reporting period.

31. The Committee recommends that the State party criminalize marital rape and provide appropriate penalties for perpetrators. Moreover, adequate procedures and mechanisms need to be established to receive complaints and monitor, investigate and prosecute instances of abuse. Attention should be given to addressing and overcoming socio-cultural barriers that inhibit victims from seeking assistance. Programmes for the rehabilitation and reintegration of victims need to be strengthened.

32. The Committee recommends that the State party ensure that the Family Protection Unit is adequately resourced, its capacity strengthened and its services expanded to cover all regions of the country. The Committee recommends the training of law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of

cases of abuse. The Committee recommends that the State party continue to support and cooperate with civil society initiatives, including hotlines, shelters and counselling services.

33. The Committee recommends that the State party continue its efforts to secure the repeal of article 340 of the Penal Code.

34. The Committee recommends that the Labour Code be amended to ensure that workers in family-owned enterprises, agricultural activities and domestic labour are effectively protected, and that inspections extend to these areas.

35. The Committee emphasizes that the right of trade unions to function freely shall be subject to no restrictions "other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others". The Committee recommends that the State party ensure that restrictions contained in the Labour Code are fully in line with article 8 of the Covenant.

36. To enable the State party to monitor its compliance with article 11 of the Covenant, concerning the right to food, the Committee recommends that it systematically collect data on malnutrition, especially child malnutrition. The State party is requested to provide information in this regard in its third periodic report.

37. In accordance with article 11 of the Covenant, the Committee encourages the State party to prevent any occurrence of forced eviction. The Committee recommends that resettlement procedures and programmes include registration, facilitate comprehensive family rehabilitation and ensure access to basic services. The Committee recommends that the State party take due regard of the Committee's General Comments 7 and 4, concerning forced evictions and the right to housing.

38. The Committee recommends that the State party develop an ongoing programme for the dissemination of information regarding the implementation of the Covenant among the public, civil society and all sectors and levels of administration. Moreover, the Committee recommends that the State party strengthen its efforts and develop systematic and ongoing training programmes on the provisions of the Covenant for professional groups, including parliamentarians, judges, lawyers and local government officials.

39. Finally, the Committee requests the State party to ensure the wide dissemination in Jordan of its present concluding observations and to inform the Committee of steps taken to implement these recommendations in its third periodic report, to be submitted on 30 June 2003.